

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RICHARD MAXIMUS STRAHAN,
Plaintiff,
v.
FRANK ABBONDANZIO, et al.,
Defendants.

CIVIL ACTION NO.
13-30054-WGY

ORDER

YOUNG, D.J.

March 28, 2013

1. The Clerk shall issue summonses as to Frank Abbondanzio and Kevin Buldoc.

At this time, the Clerk shall not issue summonses as to the "Jane Doe" and "Officer John Doe" because these are fictitious names. Although the use of fictitious names to identify defendants is not favored, situations may arise where the identity of an alleged defendant cannot be known prior to the filing of a complaint. See Martínez-Rivera v. Ramos, 498 F.3d 3, 8 (1st Cir. 2007). If, through discovery, the plaintiff discovers the true names of "Jane Doe" and "Officer John Doe," he "should act promptly to amend the complaint to substitute the correct parties and to dismiss any baseless claims." Id. at 8 n.5. He may then also file a motion for issuance of summonses for these defendants.

2. Because the plaintiff is proceeding in forma pauperis (see #7), the United States Marshal shall serve a copy of the summons, complaint, and this order upon the defendants as

directed by plaintiff with all costs of service to be advanced by the United States.

3. The motion for a temporary restraining order (#4) is DENIED.

The complaint concerns alleged misconduct by the Town of Montague and its employees, but he does not represent that he has notified the defendants of his request for a temporary restraining order. Instead, Strahan states that he has "notified the Legal Department of the City of Boston of my having commenced the instant action." Mot. at 1 (emphasis added). Further, the Court cannot reasonably infer from the complaint that the plaintiff is "under threat of imminent arrest without probable cause by Defendants." Id.

SO ORDERED.

/s/ William G. Young
WILLIAM G. YOUNG
UNITED STATES DISTRICT JUDGE